

10/740,261  
Docket No. 9475  
Amdt. dated August 28, 2008  
Reply to Office Action mailed on July 3, 2008  
Customer No. 27752

## REMARKS

### Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that the layer comprising short cellulosic fibers and synthetic fibers is disposed on the layer comprising randomly distributed long cellulosic fibers in a non-random pattern of regions of different basis weight. Support for the amendment is found in the Specification and Drawings, especially Fig. 10.

Claims 1-6, 8-15, and 18-20 are pending in the present application. No additional claims fee is believed to be due.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

### Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595

in view of any one U.S. Patent Nos. 2,113,431, 3,034,180, 5,245,025, or 5,328,565

Claims 1, 5, 6, and 18-20 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,538,595 to Trokhan, et al. ("Trokhan I") in view of any one U.S. Patent No. 2,113,431 to Milliken ("Milliken"), U.S. Patent No. 3,034,180 to Greiner, et al. ("Greiner"), U.S. Patent No. 5,245,025 to Trokhan, et al. ("Trokhan II"), or 5,328,565 to Rasch, et al. ("Rasch"). The Examiner asserts that Trokhan I discloses a fibrous tissue structure comprising at least two layers wherein at least one of the layers of the structure includes long cellulosic fibers and at least one of the layers includes short cellulosic fibers. The Examiner recognizes that Trokhan I fails to specifically mention that it has an outer layer that is disposed in a non-random pattern of different basis weight. To overcome the deficiencies in Trokhan I, the Examiner attempts to combine the teachings of Milliken, Greiner, Trokhan II and/or Rasch with the teachings of Trokhan I. The Examiner asserts that Milliken, Greiner, Trokhan II and Rasch teach that it is known in the tissue paper art to dispose an outer layer in a non-random pattern of different basis weight.

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Applicants respectfully submit that Trokhan I in view of any of Milliken, Greiner, Trokhan II and Rasch fail to teach each and every element of Claim 1, the independent claim, as amended, because the references fail to teach a fibrous structure that has a layer comprising short cellulosic fibers and synthetic fibers that is disposed on a layer comprising randomly distributed long cellulosic fibers in a non-random pattern of regions of different basis weight.

In light of the foregoing, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Trokhan I in view of any of Milliken, Greiner, Trokhan II and Rasch. MPEP 2143.03. Further, Applicants submit that Claims 5, 6 and 18-20, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan I in view of any of Milliken, Greiner, Trokhan II and Rasch for the same reasons that Claim 1, as amended, is not rendered obvious over Trokhan I in view of any of Milliken, Greiner, Trokhan II and Rasch. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595  
in view of any one U.S. Patent Nos. 2,113,431, 3,034,180, 5,245,025, or 5,328,565  
and further in view of U.S. Patent No. 6,548,731

Claims 2 and 3 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan I in view of any one of Milliken, Greiner, Trokhan II, Rasch, all discussed above, and further in view of U.S. Patent No. 6,548,731 to Mizutani, et al. ("Mizutani"). The Examiner recognizes that the previously discussed references fail to explicitly teach the claimed specific fiber length ratio between the synthetic fibers and the short cellulosic fibers. The Examiner asserts that Mizutani provides conventional teaching showing that it is known in the absorbent product art to use cellulosic fibers that are shorter than the synthetic fibers.

Applicants respectfully submit that Trokhan I in view of any one of Milliken, Greiner, Trokhan II, Rasch and further in view of Mizutani fail to teach each and every element of Claim 1, the independent claim, as amended, from which Claims 2 and 3 ultimately depend. Therefore, Applicants respectfully submit that Claims 2 and 3, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan I in

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view of any one of Milliken, Greiner, Trokhan II, Rasch and further in view of Mizutani.  
MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595  
in view of any one U.S. Patent Nos. 2,113,431, 3,034,180, 5,245,025, or 5,328,565  
as applied to claims 1, 5, 6, and 18-20 above and further in view of WO 93/14267

Claims 4, 8-12, and 15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan I in view of any one of Milliken, Greiner, Trokhan II, Rasch, all discussed above, as applied to claims 1, 5, 6, and 18-20 above, and further in view of WO 93/14267 to Manning (“Manning”). The Examiner recognizes that the previously discussed references fail to teach the subject matter of Claims 4, 8-12, and 15. The Examiner asserts that Manning teaches the subject matter of Claims 4, 8-12, and 15.

Applicants respectfully submit that Trokhan I in view of any one of Milliken, Greiner, Trokhan II, Rasch and further in view of Manning fail to teach each and every element of Claim 1, the independent claim, as amended, from which Claims 4, 8-12, and 15 ultimately depend. Therefore, Applicants respectfully submit that Claims 4, 8-12, and 15, which ultimately depend from Claim 1, as amended, are not rendered obvious over Trokhan I in view of any one of Milliken, Greiner, Trokhan II, Rasch and further in view of Manning. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595  
in view of any one U.S. Patent Nos. 2,113,431, 3,034,180, 5,245,025, or 5,328,565  
as applied to claims 1, 5, 6, and 18-20  
and further in view of U.S. Patent No. 4,202,959

Claim 9 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan I in view of any one of Milliken, Greiner, Trokhan II, Rasch, all discussed above, as applied to claims 1, 5, 6, and 18-20 above, and further in view of U.S. Patent No. 4,202,959 to Henbest, et al. (“Henbest”). The Examiner

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recognizes that the previously discussed references fail to teach the subject matter of Claim 9. The Examiner asserts that Henbest teaches the subject matter of Claim 9.

Applicants respectfully submit that Trokhan I in view of any one of Milliken, Greiner, Trokhan II, Rasch and further in view of Henbest fail to teach each and every element of Claim 1, the independent claim, as amended, from which Claim 9 ultimately depends. Therefore, Applicants respectfully submit that Claim 9, which ultimately depends from Claim 1, as amended, is not rendered obvious over Trokhan I in view of any one of Milliken, Greiner, Trokhan II, Rasch and further in view of Henbest. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595 in view of any one U.S. Patent Nos. 2,113,431, 3,034,180, 5,245,025, or 5,328,565 as applied to claims 1, 5, 6, and 18-20 above and further in view of U.S. Patent No. 5,405,499 or U.S. Patent No. 5,409,572

Claim 9 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan I in view of any one of Milliken, Greiner, Trokhan II, Rasch, all discussed above, as applied to claims 1, 5, 6, and 18-20 above, and further in view of U.S. Patent No 5,405,499 to Vinson ("Vinson") or U.S. Patent No. 5,409,572 to Kershaw, et al. ("Kershaw"). The Examiner recognizes that the previously discussed references fail to teach the subject matter of Claim 9. The Examiner asserts that Vinson and/or Kershaw teach the subject matter of Claim 9.

Applicants respectfully submit that Trokhan I in view of any one of Milliken, Greiner, Trokhan II, Rasch and further in view of Vinson and/or Kershaw fail to teach each and every element of Claim 1, the independent claim, as amended, from which Claim 9 ultimately depends. Therefore, Applicants respectfully submit that Claim 9, which ultimately depends from Claim 1, as amended, is not rendered obvious over Trokhan I in view of any one of Milliken, Greiner, Trokhan II, Rasch and further in view of Vinson and/or Kershaw. MPEP 2143.03.

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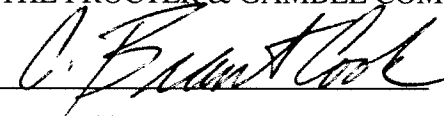
Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By

  
Signature

C. Brant Cook

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(Amendment-Response to Office Action.doc)

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